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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,297	06/11/2001	Philip I. Neaves	GB 000078	3899

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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BRIARCLIFF MANOR, NY 10510

EXAMINER
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NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/878,297

Applicant(s)

NEAVES ET AL.

Examiner

Quynh H Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/11/01, 1/21/02
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Sadler (U.S. Patent 6,058,319).

Regarding claim 1, Sadler teaches the steps of: a mobile telecommunications device (Fig. 7, 12) having at least one input (col. 2, lines 56-61); a portable audio signal source device; a portable audio signal source device having at least one output (Fig. 7, 130) having at least one output (col. 6, lines 20-26); and a control means (Fig. 8, 60) wherein the mobile device and the audio signal source are responsive to the control means to establish a signal path between the output of the audio signal source and the input of the mobile device to relay audio signals from the audio source device over a telecommunications link (col. 6, lines 30-34).

Regarding claim 2, Sadler teaches the output of the audio signal source device provides audio signals in analog format and the input of the telecommunications device receives the signals in the analog format (col. 2, lines 59-63).

Regarding claims 3 and 4, Sadler teaches the mobile unit capable of sending and receiving voice and data signals such as facsimile transmission (col. 2, lines 38-40 and col. 6, lines 1-2); and the audio device such as CD player or cassette player. Therefore, the audio signals source is in a digital format and MP3 player.

Regarding claim 5, Sadler teaches the mobile device is a portable telephone (col. 1, lines 47-50).

Regarding claim 6, Sadler teaches the mobile device and audio signal source device are integrated (Fig. 2 and col. 2, lines 52-63).

Regarding claim 7, Sadler teaches the control means is integrated with one of the mobile device or portable audio signal source and connectable to the other (Fig. 8).

Regarding claim 9, Sadler teaches when an audio signal is detected at the source device, the control means establishes the signal path (col. 4, line 61 through col. 5, line 3).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sadler (U.S. Patent 6,058,319) in view of Juntunen et al. (U.S. Patent 6,163,711).

Regarding claim 8, Sadler does not teach the control mean is operable under user command.

Juntenen et al. teach allowing a user to set up an impromptu speaker phone at home using a home stereo system for conference calls even while the user is out of his or her office (col. 7, lines 22-29).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of allowing a user to interact with the control system, as taught by Juntenen, in Sadler's system in order have a user-friendly system that the user can control the system the way he or she desired by inputting user command rather than having an automated system.

Regarding claim 10, Juntenen et al. teach a processor can be used to control the volume (Abstract, lines 17-20). For example, high volume, low volume, or muted the output signals.

Regarding claim 11, Sadler teaches the device can be mounted beneath the seats of the vehicle (col. 5, lines 49-51). It would have been obvious that the device can also be mounted on a garment.

Claim 12 is rejected for the same reasons discussed above with respect the claims 6-7 and 11.

### ***Conclusion***

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5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hulsebus (U.S. Patent 5,677,957) teaches audio circuit producing enhanced ambience.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

qhn

Quynh H. Nguyen  
December 09, 2004

  
AHMAD MATAR  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600